

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 20, 2006**

**DIVISION ONE**

B191029      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Estrella R. et al.

The orders are affirmed.

Vogel (Miriam A.), Acting P.J.

We concur:   Rothschild, J.  
                 Jackson, J. (Assigned)

B187311      People    (Not for Publication)  
                 v.  
                 Anderson

The order under review is reversed.

Mallano, Acting P J.

We concur:   Vogel (Miriam A.), J.  
                 Rothschild, J.

DIVISION TWO

B186598 People (Not for Publication)  
v.  
Lara

The judgment is modified to strike the restraining order issued pursuant to section 136.2. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.  
Chavez, J.

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B189250      Anne's Place Inc.      (Not for Publication)  
v.  
Guido

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Chavez, J.

DIVISION TWO (Continued)

B183888      Save The Altadena Trails                      (Not for Publication)  
                 v.  
                 Traylor

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur:    Boren, P.J.  
                 Ashmann-Gerst, J.

B188409      People    (Not for Publication)  
                 v.  
                 Melissa H.

The Court:

The orders under review are affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

B182665      Hugo    (Not for Publication)  
                 v.  
                 Williams

The judgment is affirmed. Costs on appeal are awarded to respondent  
Linda Williams.

Kitching, J.

We concur:    Klein, P.J.  
                 Aldrich, J.

### DIVISION THREE (Continued)

B190946      Gordon      (Not for Publication)

V.

Richard Maslan &amp; Company, Inc., et al.

The judgment is reversed, the trial court is ordered to vacate the order of dismissal, and the case is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B183967      Perlmutter      (Not for Publication)

V.

Cordova West Properties, et al.

The discovery sanctions order is affirmed. The summary judgment matter is reversed and the matter is remanded to the trial court for further proceedings. Each party to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B192352 People (Not for Publication)

V.

Soto

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B188942 People (Not for Publication)

V.  
Roberts

The judgment is affirmed in part, reversed in part, and remanded to the trial court. The convictions are affirmed. The sentence is vacated and the matter is remanded to the trial court for the exercise of its discretion to resentence Roberts in light of this opinion.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

## DIVISION FOUR

B187668      Moris      (Not for Publication)

v.  
Turner

The order denying the special motion to strike is reversed as to the cause of action for interference with prospective economic advantage. That claim is stricken. The order denying the motion to strike is affirmed as to the cause of action for intentional infliction of emotional distress. Based on this disposition, we remand the matter to the superior court to determine whether Turner is a "prevailing defendant" entitled to attorney fees under section 425.16, subdivision (c), and if so, the amount of such fees for proceedings in the trial court and this appeal Turner shall recover his costs on appeal, but we express no opinion on whether Turner is entitled to attorney fees under section 425.16, subdivision (c). (See *Mann, supra*, 139 Cal.App.4th at pp. 340-341 [prevailing party for appellate cost award is not necessarily the same as prevailing party under section 425.16].)

Willhite, Acting P.J.

We concur: Manella, J.  
Suzukawa, J.

DIVISION FOUR (Continued)

B188169      CSAC Excess Insurance Authority et al.      (Not for Publication)  
v.  
Commission on State Mandates  
California Department of Finance

The judgment granting the petitions for writ of mandate is affirmed in part on the issue of standing and reversed in part on the issue of reimbursement of state-mandated costs under article XIII B, section 6. The superior court is directed to enter a new and different judgment denying the petitions for writ of mandate and to reinstate that portion of the administrative rulings denying the test claims. The parties are to bear their own costs.

Suzukawa, J.

We concur: Willhite, Acting P.J.  
Manella, J.

B189706      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Monica S. et al.

The order terminating parental rights is reversed and the matter is remanded to the juvenile court with directions to order the Department to provide the proper notice of the proceedings under ICWA and to file proof of receipt of such notice, along with a copy of the notice, in the juvenile court, which shall then determine whether such notice and proof is proper under ICWA. If, after receiving such notice, no tribe indicates the minor is an Indian child within the meaning of the ICWA, the juvenile court shall then reinstate the jurisdictional and dispositional orders. In all other respects, the judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

DIVISION FOUR (Continued)

B187796 Williams et al. (Not for Publication)

v.

Anchor General Insurance Agency, et al.

The judgment dismissing *Williams*, *Brown I*, *Brown II*, and *Guevara* is reversed. The orders entered on and after January 14, 2005, with respect to the Williams class action are reversed. Brown and Guevara are awarded their costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

B188905 Thomas Hawkins III (Not for Publication)

v.

The Superior Court of Los Angeles County

The judgment of dismissal is affirmed. The parties are to bear their own costs.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

B183722 Na (Not for Publication)

v.

Dow

The judgment is reversed. Plaintiff shall have his costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

## DIVISION FOUR (Continued)

[illegible]

The matter is remanded for the trial court to strike the section 667.5, subdivision (b) enhancements, but in all other respects, the judgment is affirmed. The trial court is directed to prepare a new abstract of judgment and to forward a copy to the Department of Corrections.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

B188025      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Michael C.  
Karen C.

The order is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.  
Manella, J.

B191409      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Linda T.

The order is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.



DIVISION FOUR (Continued)

B181660     People  
              v.  
              Dunn

Filed order denying petition for rehearing.

DIVISION FIVE

B189273     Edward M. Ross, as Trustee, etc                    (Not for Publication)  
              v.  
              Craig Caldwell,  
              William M. Caldwell IV., et al.,

The judgment is affirmed. The December 30, 2005, order is affirmed.  
Retired Judge Edward M. Ross, as successor trustee, is to recover his costs  
incurred on appeal from Craig Caldwell.

Turner, P.J.

We concur:    Armstrong, J.  
                  Kriegler, J.

B188576     Simpson & McGee Mortuary et al.,                    (Not for Publication)  
              v.  
              Cemetery and Funeral Bureau et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur:    Mosk, J.  
                  Kriegler, J.

DIVISION FIVE (Continued)

B189707      Los Angeles County, D.C.S.      (Not for Publication)

v.

Katherine M. et al.,

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J. (Opinion)  
Kriegler, J.

B191423      Los Angeles County, D.C.S.      (Not for Publication)

v.

Fatima V.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.  
Mosk, J.

B186361      People

v.

Marlon Brandon

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B193386      People  
                 v.  
                 Superior Court, Los Angeles County  
                 (Humberto S., r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B187365      Kayle  
                 v.  
                 Remery

Filed order denying petition for rehearing.

DIVISION EIGHT

B181924      Spinner et al.,                      (Not for Publication)  
                 v.  
                 Cooper et al.,

The judgment is affirmed.

Cooper, P.J.

We concur:    Rubin, J.  
                 Flier, J.

B182481      Law Offices of Herbert Hafif                      (Not for Publication)  
                 v.  
                 Ronald C. Stock

The judgment is reversed. The parties shall bear their own costs.

Cooper, P.J.

We concur:    Rubin, J.  
                 Boland, J.

December 20, 2006 (Continued)

DIVISION EIGHT (Continued)

B186898	People v. Dilks	(Not for Publication)
B190947	In re Dilks on Habeas Corpus	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.